

**ERIE COUNTY LEGISLATURE
MEETING NO. 25
DECEMBER 14, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Kennedy.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes for approval.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. REYNOLDS presented a resolution Honoring Rev. Gary J. Bagley.

Item 6 – The DEMOCRATIC CAUCUS presented a resolution Honoring Assembly Majority Leader Paul A. Tokasz Upon the Occasion of His Retirement From the NYS Assembly.

Item 7 – SMITH & HOLT presented a resolution In Memory of Patricia Glisson.

Item 8 – MR. REYNOLDS presented a resolution In Memory of Edmund F. Burke.

Item 9 – MS. MARINELLI presented a resolution Honoring Lorraine M. Moffat for Over 17 Years of Service to the Erie County Commission on the Status of Women.

Item 10 – MR. HOLT presented a resolution In Memory of Mr. Ed O'Riley.

MS. WHYTE moved to consider the above six items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above six items with Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above six items as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 12 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table.

GRANTED.

Item 14 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table.

GRANTED.

Item 15 - CHAIRMAN MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table.

GRANTED.

Item 16 - CHAIRMAN MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table.

GRANTED.

Item 17 – MS. WHYTE presented the following local law and moved for immediate consideration and approval. MS. IANNELLO seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: none. (AYES: 15; NOES: 0)

CARRIED.

LOCAL LAW No. _____
LOCAL LAW INTRO. No. 11

A LOCAL LAW in relation to support of the Buffalo and Erie County Public Library.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

Section 1.

Erie County Local Law Number One of nineteen hundred fifty-nine, constituting the Erie County Charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of Public Libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie County Public Library, and shall not be subject to withholding, modification, or reduction by the County after adoption of the annual Erie County budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie County Public Library shall not authorize, without the prior approval of the County Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie County Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie County Public Library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie County Public Library expenses adopted in the annual Erie County budget.

Section 2.

This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3.

This local law shall be effective January first, the year two thousand ought seven upon adoption by a two-thirds majority of the Legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the County at the next general election of state or county government officers held not less than sixty days following the adoption of this local law.

LYNN M. MARINELLI

MARIA R. WHYTE

MICHELE M. IANNELLO

DANIEL M. KOZUB

TIMOTHY M. KENNEDY

KATHY KONST

DEMONE A. SMITH

THOMAS A. LOUGHRAN

ROBERT B. REYNOLDS Jr.

THOMAS J. MAZUR

COMMITTEE REPORTS

Item 18 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 345

DECEMBER 11, 2006

HUMAN SERVICES COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 13-48 (2006)
MARINELLI, WHYTE: A Recommendation of the Erie County Charter Revision Commission
 (3-0)
 - b. COMM. 18D-9 (2006)
SOCIAL SERVICES: Letter to Smith Re: Strengthening Families Program
 (3-0)
2. COMM. 22E-30 (2006)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging (SOFA) has awarded the Erie County Department of Senior Services (Department) \$54,438 for the AAA Transportation Program (AAA Transit) for the period April 1, 2006 to March 31, 2007, and

WHEREAS, the AAA Transit grant funds are intended for transportation operating expenses related to serving the elderly, and

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

WHEREAS, the Department desires to pilot a taxi voucher program to expand the number of rides available to seniors and to cover the instances whereby the existing fleet is unavailable and to allow for early or late pick-ups that cannot now be accommodated, and

WHEREAS, the Department desires to use a portion of these funds to purchase radios for vehicles in the system that are dispatched via mobile telephones for improved dispatch and to cover a portion of the payroll costs of the Community Service Aide PT, position no.1814, who transports senior volunteers to work sites, and

WHEREAS, the Department desires to create a Senior Dispatcher position, job group 5, effective November 1, 2006, to achieve the above objectives, and

WHEREAS, this position is reflected in the SAP system on B-100 position authorization form, Control number 2451, and

WHEREAS, no County funds are required for the AAA Transit grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the \$54,438 AAA Transit grant from SOFA for the period April 1, 2006 through March 31, 2007, and be it further

RESOLVED, that the Senior Dispatcher position be created in the AAA Transit grant effective November 1, 2006, and be it further

RESOLVED, that a portion of the Community Service Aide PT, position no.1814, wages be transferred to the AAA Transit grant, and be it further

RESOLVED, that the budget for the AAA Transit grant, 163AAATRAN0607, for the period April 1, 2006 through March 31, 2007 be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
40900	State Aid	\$54,438
	TOTAL REVENUE	<u>\$54,438</u>

APPROPRIATIONS

500000	Full Time Salaries	\$ 18,029
500010	Part Time Wages	\$ 1,029
502000	Fringe Benefits	7,623
506200	Repairs & Maintenance	5,021

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

510000	Local Mileage	300
516020	Taxi Services	8,000
516020	Software Support	2,276
545000	Rental	660
561410	Lab & Tech Equipment	3,500
980000	DISS Services	8,000
	TOTAL	
	APPROPRIATIONS	<u>\$ 54,438</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Division of Budget, Management and Finance, the Comptroller’s Office, and the Departments of Personnel and Senior Services.

(3-0)

3. COMM. 24E-18 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Transportation Services Sponsorship program, cost center 1632020, for the period January 1, 2006 to December 31, 2006, and

WHEREAS, the Erie County Legislature authorized that the funds received from various sponsors be used solely for maintenance and replacement of the Going Places vans in order to ensure continuance of needed transportation services to seniors throughout Erie County, and

WHEREAS, the Department of Senior Services (Department) has reviewed the budget and actual costs of transportation services through year-end and desires to purchase a replacement vehicle, and

WHEREAS, the County budget for this cost center is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Transportation Services Sponsorship program, cost center 1632020, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
506200	Maintenance & Repairs	\$20,800	-\$6,000	\$14,800
561440	Motor Vehicles	26,000	6,000	32,000
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.

(3-0)

**THOMAS J. MAZUR
CHAIRMAN**

Item 19 – MR. SMITH presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 346

DECEMBER 11, 2006

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10M-7 (2006)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU: Formal Request for Dedication of the Erie County Bed Tax to the CVB
(5-0)
 - b. COMM. 13M-10 (2006)
ECFSA: 2005 Financial Audit
(5-0)
 - c. COMM. 15D-22 (2006)
BUDGET, MANAGEMENT & FINANCE: Erie County School Tax Credit Program
(5-0)
 - d. COMM. 17E-25 (2006)
COMPTROLLER: Copy of Letter to Budget Director Re: Audit Division
(5-0)
 - e. COMM. 17D-3 (2006)
BUDGET, MANAGEMENT & FINANCE: Seventh BMR for FY2006
(5-0)
 - f. COMM. 18E-3 (2006)

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

- COMPTROLLER:** Apportionment and Distribution of Net Collection from the Four and Three Quarter Percent Sales and Compensating Use Tax for 7/06 - 9/06
(5-0)
- g. COMM. 18E-14 (2006)
COUNTY EXECUTIVE: Parks, Recreation & Forestry - Parking Fee Implementation
(5-0)
- h. COMM. 18M-3 (2006)
ECFSA: Certified Resolution Re: Alternatives to Incarceration
(5-0)
- i. COMM. 21D-1 (2006)
DISS: Fleet Reduction Plan
(5-0)
- j. COMM. 21D-2 (2006)
BUDGET, MANAGEMENT & FINANCE: Copy of Letter to ECFSA Re: Gap-Closing Actions Contained in the County's Four-Year Plan
(5-0)
- k. COMM. 22E-1 (2006)
COMPTROLLER: Interim Financial Report - For the Nine Months Ended 9/30/06
(5-0)
- l. COMM. 22E-4 (2006)
COMPTROLLER: Comptroller's Review of the County Executive's Proposed 2007 Budget and Four-Year Financial Plan
(5-0)
2. COMM. 2D-3 (2006)
BUDGET, MANAGEMENT & FINANCE
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556, and

WHEREAS, the Director has investigated the validity of such application.

NOW, THEREFORE, BE IT

RESOLVED, that petition numbered 206419 be hereby denied based upon the recommendation of the Director of Real Property Services.

FISCAL YEAR 2003	Petition No.	206419
ASSESSOR	Refund	\$587.15

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

S-B-L 43.09-2-36

143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$587.15	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$587.15	
Charge To :	143200 CLARENCE		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
CHECK FOR: PETER J & RITA SOFIA WILLIAMSVILLE CENTRAL

THE REASON FOR DENIAL :

IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW 556 THE PETITION TO REFUND MUST BE SUBMITTED WITHIN THREE YEARS OF THE ANNEXATION OF THE WARRANT FOR THE COLLECTION OF SUCH TAX. THE TAX WARRANT FOR WILLIAMSVILLE CENTRAL WAS ISSUED ON SEPTEMBER 15, 2003 FILING PERIOD WOULD BE FROM SEPTEMBER 15, 2003 TO SEPTEMBER 14, 2006. THIS PETITION WAS RECEIVED ON NOVEMBER 11, 2006.

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 206420 through 206460 inclusive be hereby approved based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2004	Petition No.	206420
	ASSESSOR	Refund	\$414.74

S-B-L 26.03-1-23.1

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$414.74	Town/SpecialDist/School

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

41854 BASIC STAR EXEMPTION \$414.74
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: THOMAS & CHERYL MALONEY SWEET HOME CENTRAL

FISCAL YEAR 2005 Petition No. **206421**

ASSESSOR **Refund** \$446.38

S-B-L 26.03-1-23.1 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$446.38 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$446.38
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 31,870 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: THOMAS & CHERYL MALONEY SWEET HOME CENTRAL

FISCAL YEAR 2006 Petition No. **206422**

ASSESSOR **Refund** \$416.16

S-B-L 26.03-1-23.1 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$416.16 Town/SpecialDist/School
 41854 BASIC STAR EXEMPTION \$416.16
Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,280 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 THOMAS & CHERYL MALONEY SWEET HOME CENTRAL

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Charge To : **142289 AMHERST** **\$19.45**
 Relevy School \$19.45 142203 WILLIAMSVILLE CENT

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY NEW YORK STATE
 URBAN DEV CORP MAKING IT WHOLLY EXEMPT FROM TAXES.
 RPTL 550(7)A

FISCAL YEAR 2006 Petition No. **206431**

ASSESSOR **Cancel** \$7,119.13

S-B-L 5404-2-4.11 **142289 AMHERST**

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$7,119.13 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$7,119.13**
 Relevy School \$7,119.13 142207 SWEET HOME CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY IDA. THE EXEMPTION
 FOR THIS PARCEL WAS OMITTED IN ERROR. RPTL 550(2)C

FISCAL YEAR 2006 Petition No. **206432**

ASSESSOR **Refund** \$588.96

S-B-L 55.16-2-14 **142289 AMHERST**

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$588.96 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$588.96

Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,280 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 5550(2)C
 CHECK FOR: THOMAS J SHANAHAN WILLIAMSVILLE CENTRAL

FISCAL YEAR 2006 Petition No. **206433**

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

S-B-L 56.18-3-10

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$620.57	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$620.57	
<u>Charge To :</u>	142289 AMHERST	\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 31,870 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: PHYLLIS & LAWRENCE DUDECK WILLIAMSVILLE CEN

FISCAL YEAR 2006

Petition No. **206439**

ASSESSOR **Refund** \$588.96

S-B-L 56.18-3-10

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$588.96	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$588.96	
<u>Charge To :</u>	142289 AMHERST	\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,280 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: PHYLLIS & LAWRENCE DUDECK WILLIAMSVILLE CENTRAL

FISCAL YEAR 2005

Petition No. **206440**

ASSESSOR **Refund** \$446.37

S-B-L 67.50-1-14

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$446.37	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$446.37	
<u>Charge To :</u>	142289 AMHERST	\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.19	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$598.19	
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: EDDY EMILIEN & ANTOINETTE EDMONDS WILLIAMSVILLE

FISCAL YEAR 2005 Petition No. **206444**

ASSESSOR **Refund** \$620.57

S-B-L 69.08-10-14 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$620.57	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$620.57	
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 31,870 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: EDDY EMILIEN & ANTOINETTE EDMONDS WILLIAMSVILLE CEN

FISCAL YEAR 2006 Petition No. **206445**

ASSESSOR **Refund** \$588.97

S-B-L 69.08-10-14 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$588.97	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$588.97	
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,280 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: EDDY EMILIEN & ANTOINETTE EDMONDS WILLIAMSVILLE
 CENTRAL

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$588.96	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$588.96	
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,280 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: MEGAN BROOKS PAYNE WILLIAMSVILLE CENTRAL

FISCAL YEAR 2006 Petition No. **206449**

ASSESSOR **Refund** \$496.48

S-B-L 92.20-6-15 **143089 CHEEKTOWAGA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$496.48	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$496.48	
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: TAMMY IRVIN LANCASTER

FISCAL YEAR 2006 Petition No. **206450**

ASSESSOR **Refund** \$496.48

S-B-L 92.20-6-15 **143089 CHEEKTOWAGA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$496.48	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$496.48	
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: TAMMY IRVIN LANCASTER CENTRAL

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2006 Petition No. **206451**

ASSESSOR **Refund** \$607.83

S-B-L 344.00-1-9.11 **143689 COLLINS**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$607.83 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$607.83

Charge To : **143689 COLLINS** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 24,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: ANGEL G ZEBROWSKI SPRINGVILLE GRIFFITH

FISCAL YEAR 2006 Petition No. **206452**

ASSESSOR **Refund** \$572.24

S-B-L 64.05-2-13 **144600 GRAND ISLAND**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$572.24 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$572.24

Charge To : **144600 GRAND ISLAND** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR 16,820 ON THIS PARCEL SHOULD BE ENHANCED STAR 31,840. RPTL 550(2)B
 CHECK FOR: INGEBORG E HASLAM GRAND ISLAND CENTRAL

FISCAL YEAR 2006 Petition No. **206453**

ASSESSOR **Cancel** \$283.22

S-B-L 115.18-1-9 **145289 LANCASTER**

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$619.79	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$619.79	
<u>Charge To :</u>	146489 TONAWANDA		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 17,490 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
 CHECK FOR: D CRAIG MACFARLAND KEN-TON SCHOOL DIST

FISCAL YEAR 2006 Petition No. **206459**

ASSESSOR **Refund** \$539.33

S-B-L 124.53-4-26.1 **146800 WEST SENECA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$539.33	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$539.33	
<u>Charge To :</u>	146800 WEST SENECA		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,220 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: DANA N HESS WEST SENECA CENTRAL

FISCAL YEAR 2006 Petition No. **206460**

ASSESSOR **Refund** \$539.33

S-B-L 143.14-3-27 **146800 WEST SENECA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$539.33	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$539.33	
<u>Charge To :</u>	146800 WEST SENECA		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,220 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: PAUL & MERTIS SHEEHAN WEST SENECA CENTRAL

DEMONE A. SMITH
CHAIRMAN

Item 20 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 347

DECEMBER 11, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 20E-4 (2006)
COUNTY EXECUTIVE: Erie County Probation Dept.
 (4-0)

2. INTRO 22-2 (2006) **AS AMENDED**
KOZUB, KENNEDY, REYNOLDS & MILLS

WHEREAS, every single day our first responding firefighters risk their very lives to protect and save Erie County residents, along with the cherished memories we treasure in our homes, businesses and other structures that we hold so dear; and

WHEREAS, our firefighters are on call twenty-four hours a day, three hundred and sixty-five days a year, and the instant the call to duty is heard, these brave men and women respond with swiftness, courage and fearlessness; and

WHEREAS, with all that is at stake for these valiant individuals, we owe to them not only our gratitude, admiration and respect; we also owe to them the kind of support that will enable them to do their very best in their mission to help their fellow citizens in times of need; and

WHEREAS, with the County of Erie currently in the planning stages of providing these heroic men and women with modern training facilities through renovations at the Erie County Emergency Services Training and Operations Center complex in Cheektowaga, we owe our firefighters nothing less than to move forward with a project that aims to provide a cost-effective, region-wide facility that will benefit every municipality in Erie County; and

WHEREAS, with fiscal challenges continuing to impact Erie County government and finances, as well as the Erie County Capital Budget, possible prioritization of capital expenditures

due to a reduction in the amount of funds available in the capital budget remains a challenge for the administration and this Legislature; and

WHEREAS, although all County projects dependent upon Erie County Capital Budget funding face prioritization during these challenging fiscal times, the renovations at the Erie County Emergency Services Training and Operations Center complex should continue to remain a top priority for capital funding and full support from Erie County government.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in offering genuine thanks and appreciation as we salute our firefighters for their commitment, sacrifice, and steadfastness to their fellow citizens in the carrying out of their sworn obligation to protect us all; and be it further

RESOLVED, that this Legislature further goes on record and acknowledges the hard work, pledge to immediately respond at all hours of the day or night, and long hours of training and exercise that these fearless and gallant individuals endure to maintain a readiness to help their fellow man; and be it further

RESOLVED, that in fully supporting a commitment to assist these firefighters in providing renovations at the Erie County Emergency Services Training and Operations Center complex, that this Legislature hereby instructs the administration that any reduction in the Erie County Capital Budget for 2007 that necessitates a prioritization of capital projects for Erie County government shall not impact said renovations at the Erie County Emergency Services Training and Operations Center complex in Cheektowaga; and be it further

RESOLVED, that the renovations at the Erie County Emergency Services Training and Operations Center complex shall hereby remain a top priority for Erie County government and that the \$1,000,000 capital budget expenditure earmarked for said renovation project in 2007, as well as the total \$5,000,000 capital commitment for years 2007 through 2012, shall be held harmless from any prioritization of capital funding in the event that a reduction of capital expenditures is deemed warranted by this Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel A. Giambra, the Department of Environment and Planning; the Director of Budget, Management and Finance; the Office of Erie County Comptroller, the Department of Emergency Services; the Department of Law, and the Erie County Fiscal Stability Authority.

(4-0)

3. **COMM. 22E-17 (2006)**
COUNTY EXECUTIVE

WHEREAS, Erie County is eligible to apply to the New York State Local Enhanced Wireless 911 Program for reimbursement of certain costs associated with the provision of Wireless 911 services, and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, Erie County will receive \$556,410 from New York State under the Local Enhanced Wireless 911 Program, and

WHEREAS, Erie County has made upgrading their public safety communications a critical component of the Public Safety Campus project, and

WHEREAS, these funds have previously been received and placed in the Capital Fund A.00254 "Interoperable Communications Enhancement" project, and

WHEREAS, the County Executive requests that these funds be dedicated to upgrading the public safety communications network and infrastructure in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funds from the New York State Local Enhanced Wireless 911 Program in an amount not to exceed \$ 556,410 and be it further

RESOLVED, that Revenues and Appropriations in Capital Project A.00254 (business area 165 CPS) be increased by \$356,410 and Central Police Services E-911 Fund be increased by \$200,000, and be it further

RESOLVED, that, Central Police Services is authorized to extend an existing contract with L. Robert Kimball associates, Inc. in the amount of \$247,500 from Capital Project A.00254 to provide a support team that will insure the new communications center avails themselves of the best practices regarding operation of the county communications center, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Director of Budget, Management and Finance and the Commissioner of Central Police Services.
 (4-0)

4. **COMM. 22E-28 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze DNA cases in a more efficient manner.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$155,424.00 with the Federal National Institute of Justice, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP#: 165DNACAPENH0607
Central Police Services
10/01/2006 to 09/30/2007

<u>Revenue</u>	<u>Increase</u>
Acct. 41400 Federal aid	<u>\$155,424</u>
Total Revenue	<u>\$155,424</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 505800 Medical Supplies	\$ 10,955
Acct. 561410 Lab& Tech Equipment	<u>\$144,469</u>
Total Appropriation	<u>\$155,424</u>

and be it further,

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with federally approved funding levels, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.

(4-0)

5. COMM. 22E-32 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the Office of Justice Programs, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 110 additional, unsolved forensic DNA cases.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$77,978.00 with the Federal National Institute of Justice, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP#: 165DNABACKLOG0607
Central Police Services

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

10/01/2006 to 09/30/2007

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	<u>\$ 77,978</u>
Total Revenue	<u>\$ 77,978</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 501000 Overtime	\$ 70,889
Acct. 502000 Fringe Benefits	<u>\$ 7,089</u>
Total Appropriation	<u>\$ 77,978</u>

and be it further,

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with federally approved funding levels, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.

(4-0)

6. COMM. 24E-12 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County CPS Forensic Lab has been awarded a New York State Grant to be administered by the Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to achieve a 30 day turnaround time for the analysis of DNA cases.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$539,220.00 with New York State Division of Criminal Justice Services, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

**Grant Fund-SAP#: 165DNACAPENH0608
Central Police Services
11/01/2006 to 05/31/2008**

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	<u>\$539,220</u>
Total Revenue	<u>\$539,220</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 500000 Personnel	\$357,388
Acct. 502000 Fringe Benefits	\$149,153
Acct. 561410 Lab& Tech Equipment	\$13,929
Acct. 505800 Medical Supplies	<u>\$18,750</u>
Total Appropriation	<u>\$539,220</u>

and be it further,

RESOLVED, that this funding will be used to create the positions of six (6) Forensic Serologists and one part time Forensic Serologist (Grade 12-B100 #2491) in the Department of Central Police Services, and be it further,

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.
 (4-0)

7. COMM. 24E-15 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is a full partner in the New York Statewide Wireless Network (SSWN) which will provide County first responders with a new voice and data communication system, and

WHEREAS, under the partnership agreement Erie County has authorized execution of site license agreements and leases with the New York State Office for Technology or its representatives through Resolution Comm. 12E-21 and Comm. 12E-15, for the purposes of furthering the partnership goals and sharing of infrastructure with NYS-SWN, and

WHEREAS, the New York State Office for Technology, as lead agency, prepared Draft and Final Generic Environmental Impact Statements (“DGEIS” and “FGEIS,” respectively) regarding the SWN, which assessed the potential impacts to natural and cultural resources as a result of the deployment and operation of the SWN; considered alternatives to the proposed action; and identified measures to avoid or mitigate impacts to the maximum extent practicable, and

WHEREAS, the FGEIS and Findings Statement, dated June 2, 2005, also described the specific conditions and criteria under which future actions will be undertaken or approved, including the requirements for SEQRA compliance, and

WHEREAS, the lead agency has evaluated the SWN actions proposed at Erie County facilities, and determined that the proposed actions are in conformance with the conditions and thresholds established for such facilities in the FGEIS and the Findings Statement and that no further

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

environmental review of the proposed SWN facility is required, and thereby issued a Determination of Consistency, and

WHEREAS, as an interested party to this action under SEQR, Erie County has reviewed the Determination of Consistency and supporting materials contained in the Site Candidate Information Form as submitted by the lead agency, for the Erie County Public Safety Campus (Site PRB 1118A), T. Boston, South Feddick Road Tower (Site PRB 1019A), and T. Sardinia, Warner Gulf Road Tower (Site PRB 1016A) and determined that no significant environmental impact will occur.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County, as an interested agency under SEQRA issues a Findings Statement pursuant to the FGEIS for SWN and the proposed actions in concurrence with the lead agency, and

RESOLVED, further, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law, the Department of Environment and Planning and the Department of Central Police Services.

(4-0)

8. COMM. 24E-17 (2006)

COUNTY EXECUTIVE

WHEREAS, the New York State Office of Children and Family Services has awarded \$169,800 to the Erie County Department of Probation and Youth Detention Services – Youth Division, and

WHEREAS, these funds will be used to fund community agencies providing services to at risk youths, including tutoring, alternative secondary services, summer employment opportunities linked to academic and occupational skill training, and leadership development activities for not less than twelve (12) months as outlined in the grant proposal, and

WHEREAS, these funds will allow the Youth Division to plan, administer and support special delinquency prevention programs in the community (i.e. educational, vocational, family support, crisis intervention and alcohol and drug awareness programs) to youths under the age of twenty-one (21) who are at risk of entering the criminal justice system and to work with the Local Workforce Investment Board (LWIB) to link youths to academic and occupational skill training, and

WHEREAS, the Youth Division also has \$34,191 in unused State Aid for YDDP reimbursement funds, which requires no County funds and the community agencies are required to provide the local matching funds, and

WHEREAS, the Erie County Youth Board has recommended that this unused State Aid be awarded to four (4) youth agencies.

NOW, THEREFORE, BE IT

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Office of Children and Family Services, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

ERIE COUNTY DEPARTMENT OF PROBATION AND YOUTH DETENTION SERVICES
Partnership for Youth
Grant Fund 281
October 1, 2006 to September 30, 2007

<u>Revenue</u>		<u>Amount</u>
Acct. 408000		
	State Aid Youth Programs	<u>\$169,800</u>
	Total Revenue	<u>\$169,800</u>

<u>Appropriations</u>		
Acct. 516010		
	Contractual Payments – Non Pro Pur Svcs	<u>\$169,800</u>
	Total Appropriations	<u>\$169,800</u>

and be it further,

RESOLVED, that authorization is hereby provided to increase the Youth Division's operating budget as follows:

ERIE COUNTY DEPARTMENT OF PROBATION AND YOUTH DETENTION SERVICES
Youth Division – Fund 110
Business Area 12630

<u>Revenue</u>	<u>Amount of Increase</u>
Acct. 408020	
State Aid Youth – YDDP Reimbursement	<u>\$34,191</u>
Total Revenue	<u>\$34,191</u>
<u>Appropriations</u>	
Acct. 516010	
YDDP Reimbursement Programs Agencies	<u>\$34,191</u>
Total Appropriations	<u>\$34,191</u>

With authorization for the County Executive to enter into amended contracts with agencies that are increased as follows:

Northwest Buffalo Community Center	\$10,000
Flare Community Center	\$10,000
Boys & Girls Club of Orchard Park	\$5,001

Big Brothers/Big Sisters	\$9,190
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and be it further,

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust the budget as required to comply with state approved funding levels, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Probation and Youth Services, the Department of Mental Health, and the Office of the Comptroller.

(4-0)

DANIEL M. KOZUB
CHAIRMAN

Item 21 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 348

DECEMBER 11, 2006

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 18

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 22M-7 (2006)
TROUT UNLIMITED - WNY CHAPTER: DEC Parking Lot for Fisherman in Hamburg, NY (3-0) Legislator Kozub was not present.
 - b. COMM. 24E-13 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Proposed Modifications of Plans - Erie County Sewer Agency Report
 (3-0) Legislator Kozub was not present.
 - c. COMM. 24E-14 (2006)
COUNTY EXECUTIVE: ECSD Nos. 1-6 & 8 - User Charge Rates
 (3-0) Legislator Kozub was not present.

2. COMM. 22E-25 (2006)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to implement Recycling Education in municipalities; and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, NYSDEC has awarded Erie County and the City of Buffalo a recycling education grant; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has accepted this role and is successfully coordinating the City of Buffalo Recycling Education Grant; and

WHEREAS, the work plan for the grant specifies the development of a recycling website; and

WHEREAS, the ECDEP issued a Request For Proposal (RFP) to website development agencies and The Kallus Opraments was chosen by the Selection Committee as the firm best able to meet the scope of the project at the most reasonable cost; and

WHEREAS, through Legislative resolution (Comm. 20E-55) dated November 20, 2003, a grant budget was established within the ECDEP that called for funding for a website created to encourage recycling in the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with The Kallus Opraments, to design and create a website targeted at encouraging recycling in the City of Buffalo; and be it further

RESOLVED, that the contractual agreement will not exceed \$8,850 and will be paid from existing State grant funds (2003-06 City of Buffalo/City of Buffalo Recycling Coordinator, 162BFLORECYCLE0306/516020); and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
 (3-0) Legislator Kozub was not present.

3. COMM. 22E-29 (2006)

COUNTY EXECUTIVE

WHEREAS, the Town of Aurora has requested that the County assume ownership, operation and maintenance of the Town's Sanitary Sewer Districts; and

WHEREAS, the Division of Sewerage Management recommends that the existing intermunicipal agreement and resolution be rescinded and that a new agreement and resolution be accepted; and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, an intermunicipal agreement between the Town of Aurora and Erie County to provide sanitary sewer operation and maintenance services be provided by Erie County Sewer District No. 3; and

WHEREAS, the County will create Erie County Sewer District No. 8 to include the Village and portions of the Town, said Sewer District will acquire ownership of the Town's sanitary sewer system assets after the creation of the District; and

WHEREAS, the Department of Environment and Planning recommends approval to provide operation and maintenance sanitary sewer service to the Town of Aurora by Erie County Sewer District No. 3 and transfer of ownership of assets after the creation of Erie County Sewer District No. 8.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No.3, and the Town of Aurora for the purpose of providing sanitary sewer system operation and maintenance by ECSD No. 3 to the Town's Sewer Districts be approved, and the eventual transfer of ownership of the Town's sewer system to Erie County following the creation of Erie County Sewer District No.8 will occur; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one copy each to the County Executive; the Erie County Comptroller; the Director of Budget and Management; Gregory Dudek, Assistant County Attorney; and Terence Yarnall, Supervisor, Town of Aurora and two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning.

(3-0) Legislator Kozub was not present.

4. COMM. 24E-22 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointments/reappointment of the following individuals to the Erie County Fisheries Advisory Board for the term stated:

APPOINTMENTS

NAME & ADDRESS

TERM EXPIRES

Judge Sheila A. DiTullio
 City Court
 25 Delaware Avenue Part 17 – 3rd Floor
 Buffalo, New York 14202

December 31, 2009

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Mr. Chris Cauley
 7728 Michael Road
 Orchard Park, New York 14127

December 31, 2009

REAPPOINTMENTS

NAME & ADDRESS

TERM EXPIRES

Mr. Joseph Fischer
 17 Kingston Lane
 Cheektowaga, New York 14225
 (3-0) Legislator Kozub was not present.

December 31, 2009

THOMAS A. LOUGHRAN
CHAIRMAN

LEGISLATORS RESOLUTIONS

Item 22 - CHAIRMAN MARINELLI directed the following resolution be sent to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 25-1 from LEGISLATOR REYNOLDS Re: Immediate Removal of Lackawanna Toll Barrier

Item 23 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 349

RE: Ensuring the Fiscal Stability of Erie County Government in 2007 (INTRO 25-2)

A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI & WHYTE

WHEREAS, on December 1, 2006, the Erie County Legislature approved the amended 2007 Erie County Budget. In forging this budget, the Erie County Legislature strictly adhered to best-practice procedures for municipal budgeting and based its revenue and expenditure projections on fair and reasonable fiscal assumptions; and

WHEREAS, throughout 2006, the Erie County Legislature dedicated itself to fiscal constraint and oversight and developed a tightly balanced budget for 2007; and

WHEREAS, this Honorable Body will continue the spirit of fiscal oversight and constraint in 2007 and will closely monitor the budgets of each department of Erie County Government to ensure the stability of the Erie County Budget in 2007.

NOW, THEREFORE, BE IT

RESOLVED, that every department head shall notify the Legislature in writing if the department spends more than 50% of any department account contained in the General Fund prior to the end of the 2nd Fiscal Quarter, and/or if the department spends more than 75% of any department account contained in the General Fund prior to the end of the 3rd Fiscal Quarter; and be it further

RESOLVED, that this Resolution shall apply to all Erie County Elected Officials (County Executive, County Comptroller, County Sheriff, District Attorney, County Clerk and County Legislature), Erie County Appointed Officials, Erie County Administrative Units, and Erie County Departments; and be it further

RESOLVED, that the Erie County Comptroller and Erie County Budget Director are requested to continue working closely with the Legislature's Chair of the Finance & Management Committee to monitor Erie County's revenue and expenditures; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to all Erie County Elected Officials and Department Heads and all parties affected by this Resolution.

MS. WHYTE moved to amend the item by adding Legislators MILLS, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MAZUR, REYNOLDS and SMITH. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 24 - CHAIRMAN MARINELLI directed the following resolution be sent to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 25-3 from LEGISLATORS MARINELLI & WHYTE Re: Supporting the Tonawanda Engine Plant.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 350

RE: Erie County Board of Elections (INTRO
25-4)**A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI & WHYTE**

MS. WHYTE moved to amend the item by attaching the following resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

WHEREAS, certain expenditures made by the Erie County Board of Elections during the 2006 budget year are more appropriately paid for out of different budget lines than were projected in the 2006 budget lines; and

WHEREAS, such expenditures are necessary and appropriate expenditures of county funds by the Erie County Board of Elections; and

WHEREAS, the transfers can be made within the 2006 budget and will not result in an increase in the budget; and

WHEREAS, the Board of Elections was allocated funds in the 2007 budget for personnel services but did not have an itemized personnel list available at the time the 2007 Budget was finalized and approved and a itemized personnel run is necessary for the Board employees to be paid in 2007; and

NOW, THEREFORE, BE IT

RESOLVED, that it order to expedite the payment of certain reasonable and necessary expenses of the Board of Elections for the 2006 Budget Year, the following budget line transfers are hereby authorized immediately:

Budget Line Transfers:

From Code Number	Budget Line	Amount	To Code Number	Budget Line
516020	Professional Services	\$220,000	545000	Rental
561420	Office Furniture and Equipment	\$21,000	561400	Lab Tech
510200	Training and Education	\$4,500	510100	Out of Area Travel

and be it further,

RESOLVED, that the following four page position amendment for the Board of Elections 2007 Budget is approved, and be it further

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the County Executive, County Comptroller, and Director of Budget, Management & Finance.

2007 Budget Estimate - Summary of Personal Services

Fund Center: 15000		Job		Prior Year 2005		Current Year 2006		Ending Year 2007				Leg-Adopt	Remarks
Board of Elections		Group	No:	Salary	No:	Salary	No:	Dept-Req	No:	Exec-Rec	No:		
Cost Center: 1500010 Administration - Board of Elections													
Full-time Positions													
1	NETWORK COMMUNICATIONS COORDINATOR	13	1	\$69,834	1	\$52,248	0	\$0	0	\$0	0	\$0	Delete
2	PRINCIPAL SUPERVISOR ELECTIONS	09	0	\$0	0	\$0	2	\$87,178	0	\$0	0	\$0	Delete
3	PRINCIPAL ELECTION CLERK	06	1	\$38,133	0	\$0	0	\$0	0	\$0	0	\$0	
4	SENIOR ELECTION CLERK	07	2	\$70,432	0	\$0	0	\$0	0	\$0	0	\$0	
5	ELECTION CLERK	06	3	\$94,147	0	\$0	0	\$0	0	\$0	0	\$0	
6	JUNIOR ELECTION CLERK	04	1	\$24,582	1	\$25,083	1	\$27,737	0	\$0	0	\$0	Delete
7	JUNIOR ELECTION CLERK	04	4	\$103,572	0	\$0	0	\$0	0	\$0	0	\$0	
Total:			12	\$400,710	2	\$77,331	3	\$124,915	0	\$0	0	\$0	
Regular Part-time Positions													
1	ELECTIONS FINANCE ANALYST (RPT)	10	1	\$22,734	1	\$24,964	1	\$24,964	0	\$0	0	\$0	Delete
Total:			1	\$22,734	1	\$24,964	1	\$24,964	0	\$0	0	\$0	

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

2007 Budget Estimate - Summary of Personal Services

Fund Center: 15000

Board of Elections

Job Group	No:	Prior Year 2005	Current Year 2006		Ensuing Year 2007			Leg-Adopt	Remarks	
		Salary	No:	Salary	No:	Dept-Req	Exec-Rec			No:
Cost Center 1501010 Administration - BOE - Republican										
Full-time Positions										
1	COMMISSIONER, BOARD OF ELECTIONS	17	1	\$102,767	1	\$102,767	1	\$102,767	1	\$102,767
2	DEPUTY COMMISSIONER OF ELECTIONS	14	1	\$76,072	1	\$76,072	1	\$76,072	0	\$0
3	ASSISTANT ELECTIONS OFFICE MANAGER	11	1	\$53,868	1	\$54,945	1	\$56,252	0	\$0
4	ABSENTEE SUPERVISOR-ELECTIONS	09	1	\$47,636	1	\$48,589	1	\$49,683	0	\$0
5	CHIEF ELECTION CLERK - CUSTODIAN	09	1	\$38,979	1	\$37,546	1	\$37,546	0	\$0
6	PRINTING SUPERVISOR - ELECTIONS	09	1	\$45,469	1	\$46,378	1	\$47,480	0	\$0
7	MACHINE CUSTODIAN	08	0	\$0	0	\$0	1	\$40,860	0	\$0
8	PRINCIPAL ELECTION CLERK	08	2	\$78,218	2	\$79,783	2	\$81,761	0	\$0
9	PRINCIPAL ELECTION CLERK - AUDIT	08	1	\$45,951	1	\$46,871	1	\$47,888	0	\$0
10	SECRETARY, COMMISSIONER OF ELECTIONS	08	1	\$39,959	1	\$39,959	1	\$39,959	0	\$0
11	SENIOR COMPUTER OPERATOR	08	0	\$0	0	\$0	1	\$48,121	0	\$0
12	COMPUTER OPERATOR	07	0	\$0	0	\$0	1	\$32,537	0	\$0
13	MACHINE TECHNICIAN	07	0	\$0	0	\$0	3	\$102,684	0	\$0
14	SENIOR ELECTION CLERK	07	6	\$224,526	7	\$263,245	7	\$268,459	0	\$0
15	ELECTION CLERK	06	2	\$64,859	3	\$99,234	3	\$100,607	0	\$0
16	ELECTION CLERK	04	0	\$0	0	\$0	1	\$27,737	0	\$0
17	JUNIOR ELECTION CLERK	04	2	\$56,470	3	\$88,530	3	\$89,586	0	\$0
Total:		20		\$874,774	23	\$983,919	30	\$1,249,999	1	\$102,767
Part-time Positions										
1	CHIEF ELECTION CLERK - CUSTODIAN PT	09	0	\$0	0	\$0	1	\$17,834	0	\$0
2	ELECTION CLERK PT	06	0	\$0	1	\$15,060	1	\$15,712	0	\$0
3	ELECTION WORKER (P.T.)	01	17	\$39,590	17	\$40,913	17	\$80,454	0	\$0
Total:		17		\$39,590	18	\$55,973	19	\$114,000	0	\$0
Regular Part-time Positions										
1	ADMINISTRATIVE ASSISTANT BOE RPT	09	0	\$0	1	\$23,189	1	\$42,498	0	\$0
2	ADMINISTRATIVE ASSISTANT BOE RPT	09	0	\$0	0	\$0	1	\$42,498	0	\$0
Total:		0		\$0	1	\$23,189	2	\$84,996	0	\$0

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

2007 Budget Estimate - Summary of Personal Services

Fund Center: 15000

Board of Elections

Cost Center 1501020 Administration - BOE - Democrat

	Job Group	Prior Year 2005		Current Year 2006		Ensuing Year 2007					Remarks		
		No:	Salary	No:	Salary	No:	Dept-Req	No:	Exec-Rec	No:		Leg-Adopt	
Full-time Positions													
1	COMMISSIONER, BOARD OF ELECTIONS	17	1	\$102,767	1	\$102,767	1	\$102,767	1	\$102,767	1	\$102,767	
2	DEPUTY COMMISSIONER OF ELECTIONS	14	1	\$72,746	1	\$72,746	1	\$74,408	0	\$0	1	\$74,408	
3	ELECTIONS OFFICE MANAGER	12	1	\$52,464	1	\$56,387	1	\$56,387	0	\$0	1	\$56,387	
4	ELECTIONS OFFICE MANAGER	12	0	\$0	0	\$0	1	\$56,387	0	\$0	1	\$56,387	New
5	CHIEF ELECTION CLERK - CUSTODIAN	09	1	\$45,469	1	\$46,378	1	\$46,378	0	\$0	1	\$46,378	
6	MAPPING SUPERVISOR-ELECTIONS	09	1	\$38,979	1	\$46,378	1	\$46,378	0	\$0	1	\$46,378	
7	PRINCIPAL SUPERVISOR ELECTIONS	09	1	\$41,140	1	\$46,378	1	\$46,378	0	\$0	1	\$46,378	
8	MACHINE CUSTODIAN	08	0	\$0	0	\$0	1	\$40,860	0	\$0	1	\$40,860	New
9	PRINCIPAL ELECTION CLERK - AUDIT	08	0	\$0	1	\$32,843	1	\$34,938	0	\$0	1	\$34,938	
10	SECRETARY, COMMISSIONER OF ELECTIONS	08	0	\$0	0	\$0	1	\$39,959	0	\$0	1	\$39,959	New
11	SENIOR COMPUTER OPERATOR	08	0	\$0	0	\$0	1	\$34,938	0	\$0	1	\$34,938	New
12	COMPUTER OPERATOR	07	0	\$0	0	\$0	2	\$65,074	0	\$0	2	\$65,074	New
13	MACHINE TECHNICIAN	07	0	\$0	1	\$32,537	1	\$34,228	0	\$0	1	\$34,228	
14	SENIOR ELECTION CLERK	07	6	\$201,342	9	\$306,364	9	\$319,905	0	\$0	9	\$319,905	
15	ELECTION CLERK	04	0	\$0	0	\$0	2	\$46,586	0	\$0	2	\$46,586	New
16	JUNIOR ELECTION CLERK	04	3	\$78,980	7	\$197,880	7	\$203,727	0	\$0	7	\$203,727	
17	JUNIOR ELECTION CLERK	04	0	\$0	1	\$26,686	1	\$27,737	0	\$0	0	\$0	Delete
	Total:	15		\$633,887	25	\$967,344	33	\$1,277,035	1	\$102,767	32	\$1,249,298	
Part-time Positions													
1	CHIEF ELECTION CLERK - CUSTODIAN PT	09	0	\$0	1	\$17,834	1	\$17,834	0	\$0	1	\$17,834	
2	JUNIOR ELECTION CLERK RPT	04	0	\$0	1	\$14,931	1	\$14,931	0	\$0	1	\$14,931	
3	ELECTION WORKER (P.T.)	01	0	\$0	0	\$0	12	\$71,738	0	\$0	12	\$71,738	New
4	ELECTION WORKER (P.T.)	01	4	\$8,492	4	\$9,500	4	\$9,500	0	\$0	4	\$9,500	
	Total:	4		\$8,492	6	\$42,265	18	\$114,003	0	\$0	18	\$114,003	
Regular Part-time Positions													
1	JUNIOR ELECTION CLERK RPT	04	0	\$0	1	\$12,541	1	\$21,259	0	\$0	1	\$21,259	
2	JUNIOR ELECTION CLERK RPT	04	0	\$0	0	\$0	3	\$63,738	0	\$0	3	\$63,738	New
	Total:	0		\$0	1	\$12,541	4	\$84,997	0	\$0	4	\$84,997	

2007 Budget Estimate - Summary of Personal Services

Fund Center: 15000

Board of Elections

Job	Prior Year 2005		Current Year 2006		Ensuig Year 2007					Remarks
Group	No:	Salary	No:	Salary	No:	Dept-Req	No:	Exec-Rec	No:	

<u>Fund Center Summary Total</u>										
Full-time:	47	\$1,909,371	50	\$2,028,594	66	\$2,651,949	2	\$205,534	62	\$2,499,297
Part-time:	21	\$48,082	24	\$98,238	37	\$228,003	0	\$0	37	\$228,003
Regular Part-time:	1	\$22,734	3	\$60,694	7	\$194,957	0	\$0	6	\$169,993
Fund Center Totals:	69	\$1,980,187	77	\$2,187,526	110	\$3,074,909	2	\$205,534	105	\$2,897,293

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 24E-25. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 351

RE: Appointment to the BECPL

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Buffalo & Erie County Public Library Board of Trustees:

NAME & ADDRESS

TERM EXPIRES

Judge Mario Rossetti
 53 Spicebush Lane
 Buffalo, New York 14221

December 31, 2011

MS. WHYTE moved for the approval of the item. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 27 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 24E-26. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 352

RE: Reappointment to the BECPL

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Buffalo & Erie County Public Library Board of Trustees:

NAME & ADDRESS

TERM EXPIRES

Judith Summer
 144 Barberry Lane
 Williamsville, New York 14221

December 31, 2011

MS. WHYTE moved for the approval of the item. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Item 28 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT/BUDGET COMMITTEE from further consideration of COMM. 19E-1. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to receive and file the item. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 24E-19. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 353

RE: PILOT Agreement for Lakeview Phase IIIA.2

WHEREAS, Lower West Side Homes II Housing Development Fund Corp. is developing housing for very low, low and moderate income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located on the lower west side of the City of Buffalo and contain 6 residential units for very low, low and moderate income households; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Lower West Side Homes II Housing Development Fund Corp., it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Lower West Side Homes II Housing Development Fund Corp. and the City of Buffalo relating to the Lakeview Phase IIIA.2 and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes dues as set forth on Schedule B attached hereto. Payment under the agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Budget, Management, and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Item 30 - MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 24E-20. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 353

RE: Contract for Funding of Technology
 Upgrades to the Buffalo Niagara Convention
 Center from the Empire State Development
 Corporation

WHEREAS, the County of Erie, desires to upgrade the County-owned, Buffalo Niagara Convention Center in the City of Buffalo; and

WHEREAS, the convention business requires the provision of technology features such as wireless internet access, high speed data access, video conferencing and other capabilities to remain competitive in the marketplace; and

WHEREAS, the State of New York through the Empire State Development Corporation is also contributing to this development project; and

WHEREAS, the County of Erie is planning on performing capital improvements to the convention center including new roofing and insulation,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Buffalo Niagara Convention Center to receive reimbursement from the Empire State Development Corporation to for up to \$500,000 in funding for the technology upgrades to the Buffalo Niagara Convention Center; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; and the County Attorney.

Item 31 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of INTRO 24-4. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 355

RE: The Establishment of a Diversity
 Enhancement Committee

A RESOLUTION SUBMITTED BY
LEGISLATORS SMITH, KONST, HOLT AND WHYTE

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Legislature has continually expressed its intention that Erie County provide opportunity for participation by women and minorities in provision of contractual services to the various departments of county government; and

WHEREAS, the current Division of Equal Employment Opportunity is charged with the responsibility for monitoring the County's compliance with MBE/WBE requirements established by local law in Erie County; and

WHEREAS, testimony received at the recent 2007 budget hearings indicate that many departments and divisions of county government are not having success ensuring that women and minorities are afforded access to the opportunities available with the County.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature reaffirms its commitment to insuring the inclusion of women and minorities in the economic opportunities available to provide goods and services to Erie County; and be it further

RESOLVED, that the Erie County Legislature establishes the Diversity Enhancement Committee to assist the Division of Equal Employment Opportunity with the identification of women and minority firms who are or may be eligible to provide certain goods and services to Erie County; and be it further

RESOLVED, that the Diversity Enhancement Committee shall be appointed and begin its work by no later than January 15, 2006; and be it further

RESOLVED, that copies of this resolution shall be provided to the County Executive and the Commissioner of Public Advocacy.

MS. WHYTE moved the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

ADD the following as Co-Sponsors: KOZUB, KENNEDY, MAZUR, LOCKLEAR, IANNELLO, REYNOLDS and LOUGHRAN

ADD the following as Co-Sponsors:

WHEREAS, the Erie County Legislature has continually expressed its intention that Erie County provide opportunity for participation by women and minorities in provision of contractual services to the various departments of county government; and

WHEREAS, the current Division of Equal Employment Opportunity is charged with the responsibility for monitoring the County's compliance with MBE/WBE requirements established by local law in Erie County; and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, testimony received at the recent 2007 budget hearings indicate that many departments and divisions of county government are not having success ensuring that women and minorities are afforded access to the opportunities available with the County.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature reaffirms its commitment to insuring the inclusion of women and minorities in the economic opportunities available to provide goods and services to Erie County; and be it further

RESOLVED, that the Erie County Legislature establishes the Diversity Enhancement Committee to assist the Division of Equal Employment Opportunity with the identification of women and minority firms who are or may be eligible to provide certain goods and services to Erie County, and with information on employment opportunities that are available in the County of Erie; and be it further

RESOLVED, that the Diversity Enhancement Committee shall be comprised of all Erie County Equal Employment Opportunity Officers and/or Diversity Officers, including Erie County's autonomous institutions and associations, responsible for insuring the equal treatment and inclusion of women and minorities in the economic opportunities and workforce a representative from the Association of Black Social Workers and a member appointed by the Chair of the County Legislature; and be it further

RESOLVED, that the Director of Purchasing and the Commissioner of Personnel for Erie County shall serve as ex-officio members of the Diversity Enhancement Committee and shall personally attend all meetings of the Diversity Enhancement Committee and provide any and all information requested by the Diversity enhancement Committee in a timely manner; and be it further

RESOLVED, that the Diversity Enhancement Committee shall be appointed and begin its work by no later than January 15, 2007 and shall provide the Erie County Legislature with quarterly reports regarding its efforts for increasing the participation and involvement of women and minorities in economic opportunities to provide goods and services to Erie County; and be it further

RESOLVED, that copies of this resolution shall be provided to the County Executive, the Commissioner of Public Advocacy, the Director of Purchasing and the Commissioner of Personnel.

MS. WHYTE moved to approve the following item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 24E-16. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 356

RE: STOP-DWI - Reallocation to Probation
and CPS Lab

WHEREAS, felony DWI arrests in Erie County have increased 35% in 2006, and

WHEREAS, chronic, felony offenders drive drunk more often than typical DWI Offenders, and

WHEREAS, chronic offenders present a significant danger to Erie County residents, and

WHEREAS, the Erie County Probation Department monitors these offenders for compliance with court ordered sanctions, and

WHEREAS, Home Visits by Probation Officers during off hours and on Holidays is an effective deterrent to this Population, and

WHEREAS, recent legislation, establishing new DWI Charges, is likely to increase the number blood tests taken as evidence, and

WHEREAS, the CPS lab instrument used to screen blood samples requires a new array of testing to validate its results for use as evidence, and

WHEREAS, overall spending for 2006 will not increase as the result of this measure.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the 2006 STOP-DWI budget reflect project priorities:

**CENTRAL POLICE SERVICES
STOP-DWI PROGRAM
COST CENTER #1650060
WBS ELEMENT#SDWI**

<u>APPROPRIATIONS</u>	<u>From</u>	<u>Change</u>	<u>To</u>
Acct. 516010 Contractual Agencies- NFP	\$ 859,238	(10,000)	849,238
Acct. 916500 ID Central Police Services		3,000	3,000
Acct. 912600 ID Probation Services	<u>170,000</u>	<u>7,000</u>	<u>177,000</u>
Total Change:	\$ 1,029,238	0	\$ 1,029,238

**CPS LAB
COST CENTER #1650040**

APPROPRIATIONS		
Acct. 501000	Overtime	3,000
Acct. 916500	ID-Central Police Services	<u>(3,000)</u>

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Total Change 0

PROBATION DEPARTMENT
Cost center #1261010

APPROPRIATIONS

Acct. 501000 Overtime 7,000
 Acct. 912600 ID- Probation Services (7,000)

Total Change 0

and be it further

RESOLVED, that the Erie County Probation Department will use additional funding to conduct home visits among the felony DWI Probationer population, and be it further,

RESOLVED, that the Erie Central Police Services Lab will use additional funding to perform the necessary confirmation testing of its blood screening testing instrument, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the STOP-DWI Office, the Division of Budget, Management, and Finance, the Office of the County Executive, the Probation Department, and the Office of the Comptroller.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 33 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

MS. WHYTE moved for immediate consideration and approval of the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 357

RE: DSS – Independent Contracts for Nursing Services (COMM. 25E-28)

WHEREAS, the Department of Social Services has conducted a Request for Proposals (RFP) to select a provider for administration of long term care nursing services, and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, these services include evaluation and assessment of elderly and disabled clients in order to authorize community based in home services designed to prevent nursing home placement, and

WHEREAS, a long standing contractual relationship with Coordinated Care Management Corporation (CCMC) has been subject to extensive and exhaustive negotiations regarding terms of agreement and location of operations, and

WHEREAS, these negotiations have spanned several years and management changes, but have unfortunately failed to provide resolution of significant and insurmountable differences, and the Department received a letter from CCMC on December 11, 2006 providing formal notice that the organization will not be submitting a response to the RFP and will terminate its relationship with the County on December 29, 2006, and

WHEREAS, it is critical that the services provided by the nursing and other staff of Coordinated Care Management Corporation be continued under the auspices of a new administrative and management structure, it is highly likely that most of the operations staff will be hired by a replacement entity and that there will be a seamless transition to an alternate organization, and in the interim period it is necessary to maintain current staff as independent contractors for the first quarter of 2007 until a new agency contract is in place, and

WHEREAS, there is no fiscal impact to this resolution as funds are available in both the 2006 and 2007 budgets and expenses are 100% reimbursed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are authorized to enter into individual professional services contracts with (14) Nurses, (2) Nursing Supervisors and (1) Director of Nursing at hourly rates currently established for fee for service nurses in the Erie County Health Department and the total amounts of the contracts will be less than \$10,000 each, and be it further

RESOLVED, as each contract is to be in a maximum amount of \$10,000 a Request for Proposals is not needed at this time, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

Item 34 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 25E-29 from CHAIRMAN MARINELLI Re: 2007 Legislative Schedule

Received, Filed and Printed.

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

To: Robert M. Graber, Clerk
 From: Lynn M. Marinelli, Chairperson
 Subject: **2007 SCHEDULE OF LEGISLATIVE SESSIONS**

JANUARY

8
 18

FEBRUARY

1
 15

MARCH

1
 15

APRIL

5
 19

MAY

3
 17

JUNE

7
 21

JULY

12
 19

AUGUST

Recess

SEPTEMBER

13
 27

OCTOBER

11
 25

NOVEMBER

15
 29

DECEMBER

4 *Budget*
 6
 11 *Budget Override*
 13

Item 35 - MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 25E-30 from LEGISLATOR WHYTE Re: Commission on the Status of Women

Received, Filed and Printed.

Chairwoman Lynn Marinelli
 Erie County Legislature

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

92 Franklin Street, 4th Floor
 Buffalo, New York 14202

December 14, 2006

Dear Chairwoman Marinelli:

I write to officially appoint Amitrah Hodge to the Board of Directors of the Erie County Commission on the Status of Women.

Thank you for your attention.

Sincerely,

Maria R. Whyte

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WEINSTEIN

Item 36 – (COMM. 25E-1) ECL Minority Caucus Appointment of its Non-Voting Representative to the ECMCC Board of Directors

Received, Filed and Printed.

December 5, 2006

Dr. Joseph A. Zizzi, Sr.
 Chairman, Board of Directors
 Erie County Medical Center
 462 Grider Street
 Buffalo, New York 14215

Re: Erie County Legislature Minority Caucus Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation Board of Directors

Dear Chairman Zizzi:

Pursuant to Section 3628 (2) of Article 10-C, Title 6 of the N.Y. Public Authorities Law which created the Erie County Medical Center Corporation, the Minority Caucus of the Erie County Legislature wishes to notify you of its appointment of a Non-Voting Representative to the Erie County Medical Center Corporation Board of Directors. Please note that our appointee will be serving a consecutive term that will commence at the expiration of his current term and begin January 1, 2007.

APPOINTEE
Ronald P. Bennett

TERM
One (1) Year

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

2 N. Main Street
Holland, NY 14080

Therefore, we would ask that this letter be received, filed and printed by the Erie County Legislature to allow Mr. Bennett to continue his service on the Erie County Medical Center Corporation Board of Directors without interference.

Sincerely,

Barry A. Weinstein
 Minority Leader
 Legislator, 15th District

FROM THE SHERIFF

Item 37 – (COMM. 25E-2) WNY Law Enforcement Task Force & Services for Human Trafficking Victims Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 358

RE: Heliport Lease (COMM. 25E-3)

WHEREAS, the County of Erie requires the use of a hangar, landing area and a heliport pad for the Erie County Sheriff's Office aviation division; and

WHEREAS, W.J. Milligan of Hamburg, New York is the owner of a duly licensed public/private airport, including hangar and landing areas and able to provide the premises as required by the County of Erie; and

WHEREAS, funds have been approved for such a lease in the 2007 County of Erie budget therefore, requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into a lease with W.J. Milligan of Hamburg, New York to provide a hangar and paved landing pad at 7941 Versailles Plank Road in Angola, New York for use by the Sheriff's Aviation Division; and be it further

RESOLVED, that this lease subject to future funding, will have a term of two years, with three options to renew the term upon written consent of both parties; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, Department of Purchasing, the Erie County Comptroller and the Office of Sheriff for implementation.

LEASE AGREEMENT

This Lease is made and entered into effective as of January 1, 2007 by and between W. J. Milligan of 4751 Southwestern Blvd, Hamburg, New York 14075, referred to as the "Landlord", and the County of Erie, 95 Franklin Street, Buffalo, New York 14202, hereinafter referred to as the "Tenant".

Witness, that

Whereas, Landlord is the owner of a duly licensed public/ private airport, including hangar and landing areas, known as Evans Airways and located at 7941 Versailles Plank Road, Angola, New York 14006.

Whereas, Landlord desires to let Tenant and Tenant desires to hire from Landlord, on an exclusive basis the building identified as Hangar No. 1 hereinafter referred to as the "Premises" which includes the landing area, heliport pad, and shared landing strip.

IT IS THEREFORE AGREED:

1. Landlord hereby leases, and grants the exclusive right to use the Premises to the Tenant, i.e. Hangar and Paved Landing Pad.
2. The term of this Lease will be two years, commencing on January 1, 2007, and ending on December 31, 2008 (the "Term"). There shall be three (3) options to renew the Term upon the written consent of the parties and approval by the Erie County Legislature.

3. As of the commencement of the Term, Tenant accepts the Premises in the Premises' existing condition and acknowledges that Landlord has made no representation or warranty concerning the condition other than the condition of the Hangar. In no event, shall Landlord be liable for any defect in the Premises or limitation on its use so long as Premises may still be used for its intended purpose.

4. Tenant may use the Premises to conduct normal helicopter operations, including helicopter maintenance, by the Erie County Sheriff's Office, its employees and other employees or contractors of the Tenant.

5. Tenant shall pay to Landlord as rent during the Term, the amount of Eighteen Thousand Dollars (\$18,000.00) in 2007, and Nineteen Thousand Dollars (\$19,000.00) in 2008, as annual rent. If the Term is extended, the annual rent shall be as follows: for the year 2009, Twenty-One Thousand Dollars (\$21,000.00), for the year 2010, Twenty-Two Thousand Dollars (\$22,000.00), and for the year 2011, Twenty-Three Thousand Dollars (\$23,000.00). The rent shall be payable to the Landlord at the address stated above or at such other place as Landlord may designate in writing. One-half or fifty percent (50%) of the rent shall be payable by February 1st of each year of the Lease, and the remaining 50% by July 1st of each year of the Lease. If the rent is not received by the fifteenth (15th) of the month due, a penalty of Five Hundred Dollars (\$500.00) will be assessed to that payment and an additional One Hundred Dollars (\$100.00) per month until the payment is received.

6. Landlord shall pay all real estate taxes, general and special assessments assessed against the Airport during the Term.

7. Landlord shall provide snow removal and lawn care service. Landlord shall also pay natural gas, electric and water utility charges incurred at the Hangar during the Term, provided that Tenant shall use its best efforts to manage utility consumption and not commit waste with regard to

utility consumption. If Tenant is wasteful with regard to utility consumption, Tenant shall pay those portions of the utility charges reasonably attributable to its wasteful consumption. Landlord shall not be liable for any interruption or delay, if any, of the above services for any reason.

8. Landlord shall perform all maintenance and repairs to the Premises during the Term, including all needed maintenance and repairs of all heating systems: hot water tank, interior and exterior lighting, overhead door and door lift. Tenant shall keep the Premises in neat and orderly condition, and at the end of the Term, shall surrender the Premises in as good a condition as they were at the beginning of the Term, except for wear and tear caused by reasonable use consistent with the provisions of the Lease.

9. During the Term, Tenant may make leasehold improvements, alterations and additions to the Premises, but only with Landlord's prior written consent. Any leasehold improvement made by Tenant may, at upon mutual agreement, become the property of the Landlord upon the termination of this Lease; provided, however, that Landlord shall have the right to require Tenant to remove any fixtures installed by Tenant, at Tenant's sole risk and expense, upon the termination of this Lease.

10. In its use and occupation of the Premises, Tenant shall fully comply with all Federal, State and Local laws, rules, ordinances and regulations, including those relating to the use, maintenance, removal and disposal of the Fuel Cell.

11. Tenant shall indemnify, defend and hold the Landlord, its officers, directors, shareholders, and employees, harmless with regard to any and all losses, claims, demands, actions or other proceedings, including, but not limited to, claims for personal injury or wrongful death; whether brought by third parties or employees of Tenant, claims for property damage; including damage to the Premises, and claims for damage to the environment arising out of or resulting from the use or occupation of the Premises by Tenant or the use, maintenance or removal of the Fuel Cell

at or from the Premises. Landlord shall not be responsible for the loss of or damage to property or injury to persons, occurring at or about the Premises by reason of existing or future condition, defect, matter or thing in or at the Premises or the property of which the Premises are a part, or for the facts, actions, omissions or negligence or other persons at or about the Premises or the property of which the Premises are a part.

12. Landlord shall indemnify, defend and hold harmless the Tenant, its officers and employees, with regard to any and all losses, claims, demands, actions or other proceedings, including, but not limited to, claims for personal injury or wrongful death, whether brought by third parties or employees or either Landlord or Tenant, and claims for property damage, arising out of or resulting from the use or occupation of the Premises to the extent that such losses, claims, etc., are caused by the negligence or other culpable conduct of Landlord or its officers, agents, servants or employees. Landlord's obligation to defend Tenant shall be fulfilled by counsel reasonably satisfactory to, and approved by, Tenant.

13. Neither this Lease nor any interest therein shall be assigned, mortgaged, sublet or otherwise encumbered or disposed of by Tenant without the prior written consent of Landlord.

14. The happening of any one or more of the following events shall constitute an event of default ("Default") under this Lease:

(a) The failure to make a rental payment when due, which failure continues for a period of ten (10) days;

(b) The failure to comply with any other term or requirement of this Lease, which failure continued for a period of ten (10) days after written notice of such failure from Landlord to Tenant; or

(c) A levy upon or taking of the leasehold interest created by this Lease in execution, attachment or other process of law. In the event of Default, Landlord may, at any time

thereafter, terminate this Lease by giving thirty (30) days written notice, specifying the Default and the effective date of termination, to Tenant. Upon such termination, this Lease and all rights of the Tenant hereunder shall terminate and Tenant shall peaceably surrender the Premises to Landlord. No termination of this Lease shall relieve Tenant of Tenant's liabilities and obligations hereunder and such liabilities and obligations shall survive any termination. In the event of termination, whether or not the Premises or any portion or part thereof have been relet, Tenant shall pay Landlord the rent required to have been paid up until the time of termination. Thereafter, Tenant, until the end of what would have been the Term absent termination, shall pay the Landlord the amount of rent which would be payable hereunder, less the net proceeds, if any, to Landlord of reletting.

15. Any notice under this Lease shall be in writing and delivered to Landlord or Tenant, as the case may be, at the address of that party state above, or any address subsequently provided by such party in writing as its address for notices, in one of the following ways:

- (a) By personal service;
- (b) By Certified Mail, return receipt requested;
- (c) By any nationally recognized courier service which provides written evidence of delivery.

Such notice shall be deemed to be effective upon receipt, regardless of the method of delivery.

16. No waiver of any right of Landlord hereunder with respect to a particular action or failure to Tenant shall be deemed or construed to be a waiver of such rights with respect to other future actions or failures of Tenant.

17. In the event that Tenant shall remain in possession of the Premises beyond the termination of the Term, Tenant shall pay for each month of continued possession, or any part thereof, one-twelfth of the yearly rent plus ten percent (10%) as outlined in paragraph five (5) above.

18. This Lease is intended and shall be deemed to be the complete statement of the term of the agreement between the parties and may only be amended by a writing executed by both the Landlord and Tenant.

19. The Fuel System (tank/pump) supplied by the Tenant, shall remain the property of the Tenant, at the conclusion of the Lease, and may be removed by the Tenant at their option, at the termination of the Lease. The Tenant shall be responsible for maintenance, required inspections by Federal and local law ordinances and indemnify the Landlord from any all liabilities.

20. This Agreement shall be deemed executory only to the extent of moneys available to the County for the performance of the terms hereof and appropriated hereto by the Erie County Legislature, now or in the future, and no liability on account thereof shall be incurred by the County beyond such moneys.

IN WITNESS WHEREOF, the Landlord and Tenant have executed this Lease Agreement as of the date first written above:

Landlord

The County of Erie

_____ **Date** _____

_____ **Date** _____

W. J. Milligan

**JOEL A. GIAMBRA
Erie County Executive**

_____ **Date** _____

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

TIMOTHY B. HOWARD

Erie County Sheriff

APPROVED AS TO FORM

_____ **Date** _____

Assistant County Attorney

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 25E-4) Acceptance of the FY2007 Operating Budget

Received, Filed and Printed.

December 11, 2006

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Honorable Members:

This letter conveys my acceptance of the fiscal year 2007 operating budget as adopted by Your Honorable Body on Friday, December 1. The budget as amended reflects priorities which your members identified as important to their constituents – and we find these changes to be reasonable. Most important, the adopted budget is soundly balanced with recurring expenses paid by recurring revenue. We appreciate that your members preserved the structural integrity of the Recommended Executive Budget in making the changes to the Adopted Budget. Our ability to agree upon a soundly balanced 2007 budget is an important step in the County's ongoing fiscal recovery.

We still have important decisions to make regarding the capital budget for 2007. I believe that our proposed capital budget is affordable within the context of the four-year plan and it maintains the needed investments in basic maintenance of the County's infrastructure. You also know of my commitment to the expansion of the downtown campus of Erie Community College: a project which makes sense both for the academic program of the college and for the revitalization of the region's urban core. I urge your support of our proposed capital projects as we seek the bonding authorization in early 2007.

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Sincerely,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

FROM CHAIRMAN MARINELLI

Item 40 – (COMM. 25E-5) Cancellation of 12/12/06 Override Session

Received, Filed and Printed.

December 11, 2006

Mr. Robert M. Graber
 Clerk, Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, N.Y. 14202

Dear Mr. Graber:

On the reception of a communication from Erie County Executive Joel A. Giambra conveying his acceptance of the fiscal year 2007 operating budget as amended by the Erie County Legislature at Meeting No. 23 held on November 29, 2006, the Legislative Session scheduled for Tuesday, December 12, 2006 is no longer necessary.

Therefore, in as much as there are no items to override, you are hereby directed to notify the members of the Legislature that the Tuesday, December 12, 2006 scheduled "Override" session of the Erie County Legislature is hereby cancelled.

Sincerely,

Lynn M. Marinelli
 Chair, Erie County Legislature

FROM THE COUNTY CLERK

Item 41 – (COMM. 25E-6) Semi-Annual Report of Receipts and Disbursements of Mortgage Tax for 4/1/06 - 9/30/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 25E-7) WNY Stormwater Pollution Prevention Implementation Project - Intern Positions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Item 43 – (COMM. 25E-8) Extension of Contract w/ Buffalo Niagara Convention & Visitors Bureau through 12/31/07 - Appropriation of \$2,100,000 to the Buffalo Niagara Convention & Visitors Bureau

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – (COMM. 25E-9) WNY Stormwater Coalition Local Ordinance Project: Staff Positions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 359

RE: Preparation of Village 2006 Tax Rolls & Bills (COMM. 25E-10)

WHEREAS, after a public hearing, held on September 19, 2006 by Buffalo Place Inc., and upon adoption of Intro 21-1, November 2, 2006, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2007 for the downtown pedestrian/transit mall special district shall be the sum of \$ 1,212,293.05, and

WHEREAS, the 2007 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2007 for the downtown pedestrian/transit mall special district shall be the sum of \$ 18,000.00, and

WHEREAS, the Director of Budget, Management and Finance has established the 2007 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Budget, Management and Finance for the purpose of assessing 2007 service charges for the downtown pedestrian/transit mall special district, and be it further

RESOLVED, that 2007 mall district service charges and payment in lieu shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 1, 2007 and shall be payable to the Director of Budget, Management and Finance as provided in Erie County Local Law No. 8-1984, and be it further

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$ 10,000.00 shall be added to the Mall Budget for collection of these late fees, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make adjustments and modifications as he deems appropriate, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Executive, Joel A. Giambra, the Erie County Budget Director James Hartman, Erie County Attorney Laurence Rubin, Erie County Comptroller Mark Polancarz and the Director of Real Property Tax Services, Joseph L. Maciejewski.

Item 46 – (COMM. 25E-11) Preparation of Village 2006 Tax Rolls & Bills

Received, Filed and Printed.

December 11, 2006

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York, 14202

RE: Preparation of Village 2006 Tax Rolls & Bills

Your Honorable Body:

Please receive, file and print the following billing for the preparation of Village Tax Rolls and Bills for the year 2006 at your next meeting.

Pursuant to the amended Erie County Tax Act, the Director of Budget, Management and Finance and/or successor to Commissioner of Finance as directed by Section 3-2.2, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading Village Tax Rolls and Bills.

Respectfully,

JOEL A. GIAMBRA
Erie County Executive

JAG/ms
Attach.

Village Tax Bills

Preparation of VILLAGE TAXES 2006

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Tax Bills	\$3,100.00	
Tax Rolls, Assessment Roll & Worksheets	\$1,700.00	
Wages	\$4,420.77	4,420.77
Data Processing Time	\$6,334.72	6,334.72

Total Cost \$15,555.49

Cost per parcel \$ 0.437714

Village	Parcels	Rate	Cost
Akron	1164	\$ 0.437714	\$509.50
Alden	877	\$ 0.437714	\$383.88
Angola	952	\$ 0.437714	\$416.70
Blasdell	1171	\$ 0.437714	\$512.56
Depew	6647	\$ 0.437714	\$2909.49
East Aurora	2599	\$ 0.437714	\$1,137.62
Farnham	216	\$ 0.437714	\$94.55
Gowanda	1207	\$ 0.437714	\$528.32
Hamburg	3663	\$ 0.437714	\$1,603.35
Kenmore	5680	\$ 0.437714	\$2,48.22
Lancaster	4328	\$ 0.437714	\$1,894.43
North Collins	535	\$ 0.437714	\$234.18
Orchard Park	1178	\$ 0.437714	\$515.63
Sloan	1600	\$ 0.437714	\$700.34
Springville	1615	\$ 0.437714	\$706.91
Williamsville	2106	\$ 0.437714	\$921.83
	35538		\$15,555.49

Item 47 – (COMM. 25E-12) Preparation of School District Tax Rolls & Bills

Received, Filed and Printed.

December 11, 2006

The Honorable
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York, 14202

RE: Preparation of School District Tax Rolls & Bills

Your Honorable Body:

**MEETING NO. 25
DECEMBER 14, 2006**

ERIE COUNTY LEGISLATURE

Please receive, file and print the following billing for the preparation of School District Tax Rolls at your next meeting.

Pursuant to the amended Erie County Tax Act, the Director of Budget, Management and Finance and/or successor to Commissioner of Finance as directed by Section 3-2.1, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading the School District Tax Rolls, together with the apportionment to each School District benefited for the year 2006-2007.

Respectfully,

JOEL A. GIAMBRA
Erie County Executive

JAG/ms
Attach.

TO THE ERIE COUNTY LEGISLATURE 2006-2007

STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL DISTRICT TAX

BILLS AND THE SPREADING OF ASSOCIATED COSTS:

School District Costs	2006		
Tax Bills		\$12,000.00	
Tax Roll Paper		\$1,400.00	
Data Processing Charges		\$51,088.80	
Wages		\$62,916.00	
<hr/>			
Total		\$127,404.80	
	262,087.00 parcels	0.486116442	Cost per parcel
AKC1 Out of County		\$50.00	
City of Tonawanda		\$50.00	
ATT1 & SCC1 Flat Charge @ \$ 100.00 each		\$200.00	
Clarence 8 Cross - References		\$80.00	
Total to Spread: Cost per parcel and Flat Charge		\$127,784.80	

School	Parcels	Rate	Amount Due
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MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Alden	5010	0.486116442	\$2,435.44
Akron	4415	0.486116442	\$2,196.20
Amherst	9130	0.486116442	\$4,438.24
Sweet Home	10875	0.486116442	\$5,286.52
Attica	0	0	\$100.00
East Aurora	6280	0.486116442	\$3,052.81
Cheektowaga	8165	0.486116442	\$3,969.14
Maryvale	7439	0.486116442	\$3,616.22
Cleveland Hill	4598	0.486116442	\$2,235.16
Sloan	5172	0.486116442	\$2,514.19
Clarence	11215	0.486116442	\$5,531.80
Springville	6463	0.486116442	\$3,141.77
Depew	6821	0.486116442	\$3,315.80
Eden	4779	0.486116442	\$2,323.15
Frontier	16256	0.486116442	\$7,902.31
Grand Is	8524	0.486116442	\$4,143.66
Gowanda	1404	0.486116442	\$682.51
Hamburg	9994	0.486116442	\$4,858.25
Holland	3395	0.486116442	\$1,650.37
Iroquois	7657	0.486116442	\$3,722.19
Lancaster	16440	0.486116442	\$7,991.75
Lake Shore	10359	0.486116442	\$5,035.68
North Collins	2460	0.486116442	\$1,195.85
Orchard Park	13099	0.486116442	\$6,367.64
Pioneer	894	0.486116442	\$434.59
Silver Creek	0	0	\$100.00
Ken-Ton	26501	0.486116442	\$12,882.57
Williamsville	26758	0.486116442	\$13,007.50
West Seneca	21501	0.486116442	\$10,451.99
City of Tonawanda	6483	0.486116442	\$3,201.49

Total	262,087.00		\$127,784.80
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Item 48 – (COMM. 25E-13) Preparation of City of Tonawanda Tax Rolls & Bills

Received, Filed and Printed.

December 11, 2006

The Honorable
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York, 14202

RE: Preparation of City of Tonawanda Tax Rolls & Bills

Your Honorable Body:

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Please receive, file and print the following billing for the preparation of City of Tonawanda City Tax Rolls and Bills for the year 2006 at your next meeting.

Pursuant to the amended Erie County Tax Act, the Director of Budget, Management and Finance and/or successor to Commissioner of Finance as directed by Section 3-2.1, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading the City of Tonawanda City Tax Rolls & Bills.

Respectfully,

JOEL A. GIAMBRA
 Erie County Executive

JAG/ms
 Attach.

TO THE HONORABLE ERIE COUNTY LEGISLATURE:

Preparation of City of Tonawanda Taxes	2006	
Tax Bills		\$300.00
Tax Rolls, Assessment Roll & Worksheets		\$275.00
Wages		\$3,570.00
Data Processing Time		\$3,150.00
<hr/>		
	Total Cost	\$7,295.00
Parcels	6891	Cost per parcel 1.058627

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 360

RE: Budget, Management & Finance - 2006
 Year-End Budget Balancing Amendments
 (COMM. 25E-14)

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, most recent projections indicate that Erie County will end fiscal year 2006 with approximately a \$21.7 million surplus, and

WHEREAS, various issues have been included in the year-end projects that will require a transfer of available balances in order to meet financial obligations,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer funds within the General Fund as follows:

Department	Account		Decrease
Social Services			
	120	525000 Medicaid Local Share	\$4,718,330
County Wide Budget Accounts			Increase
	14010	520070 Buffalo Bills Maintenance	\$18,330
	14020	520020 Interfund-Road	500,000
County Wide Interfund Accounts			
	14030	520020 Co. Residents Enrolled in Comm. Colleges	1,000,000
County Attorney Risk Retention			
	16020	555000 General Liability	3,000,000
Fleet Services			
	10710	505600 Auto Supplies	<u>200,000</u>
		Total Increase	\$4,718,330
		Net Change	0

and be it further,

RESOLVED, that authorization is provided to transfer funds within the Road Fund as follows:

Highways			Increase
	Revenue - 123	400000 Interfund Subsidy	\$500,000
	Expense - 123	520020 Town/Village Snow Contacts	500,000
		Net Change	0

and be it further,

RESOLVED, that authorization is provided to transfer funds within the Debt Service Fund as follows:

Department	Account		Decrease
General Debt			
	17200	550800 Interest	\$125,000

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Sewer District 2				
17400	550000	Principal		25,000
Sewer District 3				
17500	550000	Principal		40,000
Sewer District 6				
17600	550000	Principal		<u>10,000</u>
Total Decrease				\$200,000
General Debt				Increase
17200	550000	Principal		\$125,000
Sewer District 2				
17400	550800	Interest		25,000
Sewer District 3				
17500	550800	Interest		40,000
Sewer District 6				
17600	550800	Interest		<u>10,000</u>
Total Increase				\$200,000

and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller, and the Division of Budget, Management and Finance.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

DELETE the first RESOLVED clause in its entirety and REPLACE with the following:

RESOLVED, that authorization is provided to transfer funds within the General Fund as follows:

Department	Account		Decrease
Social Services			
120	525000	Medicaid Local Share	\$3,218,330
County Wide Budget Accounts			Increase
14010	520070	Buffalo Bills Maintenance	\$18,330
14020	520020	Interfund-Road	500,000
County Wide Interfund Accounts			
14030	520020	Co. Residents Enrolled in Comm. Colleges	1,000,000
County Attorney Risk Retention			
16020	555000	General Liability	1,500,000
Fleet Services			
10710	505600	Auto Supplies	<u>200,000</u>

Total Increase	\$3,218,330
Net Change	0

MS. WHYTE moved to approve the item as amended. MR. SMITH seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (12-3)

Item 50 – (COMM. 25E-15) DEP - Erie County Yard Waste Composting Facility State Assistance Contract - Project No. 9-MSWSS-156, Contract No. C302329

Item 51 – (COMM. 25E-16) DEP - Funding for Rail Road Property Survey on the Former Bethlehem Steel Site Through the ECIDA

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 361

RE: ECSD Nos. 2 and 3 - 2007 Budget -
Technical Adjustments (COMM. 25E-17)

WHEREAS, the 2007 Assessment Rolls have been adopted and approved by your Honorable Body on December 7, 2007 and include the Village of North Collins in Erie County Sewer District No. 2 and the Village of Orchard Park in Erie County Sewer District No. 3.; and

WHEREAS, it is required to adjust the 2007 Budgets for Erie County Sewer District No. 2 and Erie County Sewer District No.3 in a total amount of \$127,170 to reflect the adopted assessment rolls; and

WHEREAS, it is required to add the following positions in the 2007 Sewer Fund Budget as follows:

Sewer Maintenance Worker – Job Group 7
Maintenance Worker – Sewer – Job Group 5
Jr. Maintenance Worker – Sewer – Job Group 4
Reclass Sr. Accountant – Job Group 10 to
Accounting Analyst - Job Group 11

WHEREAS, adjustments for the positions are reflected on B-100 position authorization forms 2327, 2328, 2329 and 2330 in the SAP system; and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, requires a technical adjustment be made to the 2007 Budgets for Erie County Sewer District No. 2, Erie County Sewer District No. 3, and the Division of Sewerage Management reflect the changes noted above and in support of the approved 2007 Assessment Rolls and the sewer service mergers.

NOW, THEREFORE BE IT

RESOLVED, that the 2007 Budgets for Erie County Sewer District Nos. 2, 3 and the Division of Sewerage Management be adjusted and adopted to reflect the changes required to support the adoption of the 2007 Tax Rolls as approved on December 7, 2007 as follows;

220 18210 Real Property Tax SD #2	400000	(\$52,222)
220 18310 Real Property Tax SD #3	400000	(\$74,948)
220 18210 Intdept – Sew Management	918000	+\$52,222
220 18310 Intdept – Sew Management	918000	+\$74,948
220 18010 Pers. Serv.	500000	+\$89,556
220 18010 Fringe Benefits	502000	+\$37,614
220 18010 Intdept – SD #2	918000	(52,222)
220 18010 Intdept – SD #3	918000	(74,948)

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the Resolution to the County Executive, the Director of Budget, Management and Finance, the County Comptroller, Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362

RE: DSS - Extension of Lease at 478 Main Street (COMM. 25E-18)

WHEREAS, the County leases space for Social Services operations at 478 Main Street (Hens and Kelly Building) from the Mohawk Group under a lease that will expire on December 31, 2006, and

WHEREAS, the Department is in discussions with the landlord regarding terms of a lease extension, and

WHEREAS, these discussions have not been concluded, and the Department is not in a position to move critical operations and over 400 staff to an alternate location, and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the gross cost for this three month period of \$393,187 with a local share of \$129,712 is subject to a lease clause holdover increase of 50% which the landlord has agreed to waive in anticipation of a long term commitment, and

WHEREAS, this resolution authorizes extension of the previous lease for three (3) months in order to enable payment under a lease extension, and

WHEREAS, funding for the lease of space at 478 Main Street is included in the annual budget.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into a lease extension for 128,517 of net usable square feet of space at 478 Main Street for the period January 1, 2007 through March 31, 2007 at the monthly rental amount of \$131,063, and be it further

RESOLVED, that the costs of electric service during the lease term and for tax increases, above that amount paid in year 2002, will be paid by the County as additional rent, and be it further

RESOLVED, section 19.08 of the County Administrative Code requirement for a Request for Proposals (RFP) is waived based on the immediate need for a lease extension, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

Item 54 – (COMM. 25E-19) ECSTSTA - Engineering Service Agreement - Dated 4/20/00 - Change Order No. 6 - CRA Infrastructure & Engineering, Inc.

Item 55 – (COMM. 25E-20) Reappointment to the NYS Region 9 Fish and Wildlife Management Board

Item 56 – (COMM. 25E-21) ECSD Nos. 1-6 & STSTA - Construction Inspection Service Agreements - Dated 1/1/05 - Contract Time Extension - Donald Gallo Consulting Engineer, PC

Item 57 – (COMM. 25E-22) ECSD No. 6/STSTA - Disinfection Improvements - Contract No. 6STA - Change Order No. 6

Item 58 – (COMM. 25E-23) ECSD No. 6 - Lackawanna Treatment Plant Elimination Feasibility Study

The above five items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. SMITH seconded. MR. MILLS, MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 363

RE: Levy and Appropriation of the Erie County
 Real Property Tax – 2007 (COMM. 25E-24)

WHEREAS, the Erie County Budget for fiscal year 2007 has been adopted.

NOW, THEREFORE, BE IT

RESOLVED, that the amounts in said County budget that are required to be raised by taxes by this Legislature, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2007, and be it further

RESOLVED, that the Director of Budget, Management and Finance/Commissioner of Finance is hereby directed to apportion said taxes to be raised for such budget against the taxable property liable therefore, as provided by law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Budget Director, the Director of Real Property Tax, the Comptroller and the County Attorney.

Item 60 – (COMM. 25E-25) Health - Healthy Neighborhoods Program 10/1/06 - 9/30/07

Received and referred to the HEALTH COMMITTEE.

Item 61 – (COMM. 25E-26) DEP - BQ Energy Wind Development Services Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 364

RE: Levy of the 2007 Town Budgets and
 Special District Budgets (COMM. 25E-27)

RESOLVED, that the following abstracts of the adopted Town Budgets and Special District Budgets for the year 2007, as certified and presented to this Legislature by the appropriate Town Officers; be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED, that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and Districts and liable therefore, and be it further

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

RESOLVED, that the Director of Budget, Management and Finance and/or successor to the Commissioner of Finance is hereby directed to spread said taxes to be so raised for such budgets against the taxable property liable therefore as provided by Article VI of the Erie County Tax Act, as amended, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget, Management and Finance, the County Comptroller, the County Attorney and the Finance Department.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 63 – (COMM. 25D-1) Notice of Public Hearing - Local Law Intro. No. 10-2006

Received, Filed and Printed.

ERIE COUNTY DEPARTMENT OF LAW

MEMORANDUM

TO: PLEASE SEE LIST BELOW

FROM: Brian D. White, Assistant County Attorney

DATE: December 4, 2006

RE: Notice of Public Hearing
Local Law Intro. No. 10-2006

Enclosed for your information is a copy of the Notice of Public Hearing for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on December 1, 2006, and which will be published in the County's two official newspapers this week.

Attachment

Hon. Lynn M. Marinelli, Chair
 Hon. Maria R. Whyte, Majority Leader
 Hon. Barry A. Weinstein, M.D., Minority Leader
 Hon. Daniel M. Kozub
 Hon. Timothy M. Kennedy
 Hon. George A. Holt, Jr.
 Hon. Michael H. Ranzenhofer
 Hon. Kathy Konst
 Hon. Demone A. Smith

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Hon. Thomas J. Mazur
 Hon. Michele M. Iannello
 Hon. Robert B. Reynolds, Jr.
 Hon. John J. Mills
 Hon. Thomas A. Loughran
 Robert Graber, Clerk, Erie County Legislature
 Sean Ryan, Chief of Staff
 Warren Galloway, Senior Executive Assistant to the County Executive
 Matthew Spina, The Buffalo News

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing on Thursday, December 14 at 10:00 a.m. concerning:

A LOCAL LAW in relation to a mandatory notification requirement for commercial and residential lawn pesticide applications.

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On December 1, 2006, the Erie County Legislature adopted Erie County Local Law Intro. No. 10-2006. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

FROM THE CLERK OF THE LEGISLATURE

Item 64 – (COMM. 25D-2) Cancellation of Legislative "Override" Session Scheduled for 1/12/06

Received, Filed and Printed.

December 11, 2006

To: All Members of the Erie County Legislature
 From: Robert M. Graber, Clerk
 Subject: CANCELLATION OF LEGISLATIVE "OVERRIDE" SESSION
 SCHEDULED FOR TUESDAY, DECEMBER 12, 2006

PLEASE TAKE NOTICE that upon the reception of a communication from Erie County Executive Joel A. Giambra conveying his acceptance of the fiscal year 2007 operating budget as adopted by the Erie County Legislature at Meeting No. 23 held on November 29, 2006 and

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

concluding on December 1, 2006, the Legislative Session scheduled for Tuesday, December 12, 2006 is no longer necessary.

Therefore, inasmuch as there are no items to override, the Tuesday, December 12, 2006 scheduled "Override" session of the Erie County Legislature is hereby cancelled.

Thank you.

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE

Item 65 – (COMM. 25D-3) BMR for FY2006 w/ Year-to-Date Through 10/31

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 66 – (COMM. 25D-4) 2006 County Budget Line Transfers

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 67 – (COMM. 25M-1) Agenda for Meeting Held 12/8/06

Received and filed.

FROM NYS SENATOR MARY LOU RATH

Item 68 – (COMM. 25M-2) Receipt of Certified Resolution

Received and filed.

FROM THE FRIENDS OF THE ERIE COUNTY FORESTS

Item 69 – (COMM. 25M-3) A Management Plan for the Erie County Forest

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 70 – (COMM. 25M-4) Copy of Resolution Re: Request by Medaille College to Make Physical/Cosmetic Improvements to McCarthy Park

Received and filed.

FROM COORDINATED CARE

Item 71 – (COMM. 25M-5) Cancellation of Contract for CASA Services to COE

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE TOWN OF EVANS

Item 72 – (COMM. 25M-6) Certified Resolution Re: Removal of the Lackawanna Toll Barrier

Received and filed.

MEMORIAL RESOLUTIONS

Item 73 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Veran (Kabinowski) Sugg.

Item 74 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Thomas Moriarity.

Item 75 – Ms. Locklear requested that when the Legislature adjourns, it do so in memory of Nelson J. Dalton.

Item 76 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Father Wurtz.

Item 77 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of Gary Bagley.

Item 78 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of Edmund F. Burke.

Item 79 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Curtis Henderson.

Item 80 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Carl Kicks.

Item 81 – Ms. Whyte requested that when the Legislature adjourns, it do so in memory of soldiers who passed away fighting in Iraq.

Item 82 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of James Dull.

ADJOURNMENT

MEETING NO. 25
DECEMBER 14, 2006

ERIE COUNTY LEGISLATURE

Item 83 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. IANNELLO moved that the Legislature adjourn until Monday, January 8, 2007 at 2 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Monday, January 8, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE